(13)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

W.P. ------322------/2001.

PETITIONER: New Shamim Transport Prop. Mohmmad Farooque S/o Late Abdul Rashid aged about 50 years R/o Kharsia naka Ambikapur.

P.P. No. 3321 Presented by Shri ... Dated ... 28.12.01

V E R S U S

RESPONDENTS:

1. State of Chhattisgarh. through the secretary department of transport D.K.Bhawan Raipur.
2. Secretary R.T.A. Bilaspur.(C.G.)
3. Jaishanker Toppo s/o Boro Toppo Village - Patora Dist. Sarguja, C.G.

Writ Petition under Article 226 of the constitution of India.

XI-HC-22

18 AFR

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P.No.377/2001

मामला क्रमांक 1 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
03-4-2001	Shri B.K.Rawat, learned counsel for the petitioner. Dr.N.K.Shukla, learned Deputy Advocate General, for the State. Heard. ORDER Learned counsel for the petitioner submits that in view of Section 74 of the M.P.Reorganisation Act 2000, the State Transport Appellate Tribunal constituted by the State of M.P. cannot function in relation to the cases which arise from Chhattisgarh region unless by mutual agreement between the State of M.P. and the State of Chhattisgarh, the powers are conferred upon the said authority. Dr.N.K.Shukla, learned Deputy Advocate General, on the other hand, placing his strong reliance upon an order dated 28-3-2001 passed in W.P.No.171/2001, submits that the question has already been considered by a single bench of this Court and the same does not need reconsideration. Shri Rawat in reply submits that the question raised by him was not raised in the said petition, therefore, the petition deserves admission. Section 74 of the M.P.Reorganisation Act 2000 reads as under:- "74. Jurisdiction of the Commissions, Authorities and Tribunals.-(1) Notwithstanding anything contained in any law for the time being in force	

[पीछे देखिये

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

every Commission, Authority, Tribunal, University, Board or any other body constituted under a Central Act, State Act or Provincial Act and having jurisdiction over the existing State of Madhya Pradesh shall on and from the appointed day continue to function in the successor State of Madhya Pradesh and also exercise jurisdiction as existed before the appointed day over the State of Chhattisgarh for a minimum period of two years from the appointed day or till such period as is decided by mutual agreement between the successor States."

Learned Counsel for the petitioner submits that [redacted] the Commission Authority, Tribunal, University, Board or any other body constituted under a central Act, State Act or provincial Act which had jurisdiction in the United State of M.P., may have jurisdiction over the matters arising from Chhattisgarh region provided there is a mutual agreement between the two States conferring powers upon the said authority. The argument raised by the learned counsel for the petitioner runs contrary to the very spirit of section 74 of the Re-organisation Act. Section 74 does not say that the authority shall continue to function in both the State [redacted] only on a mutual agreement between the States. In fact, section 74 says that the said authority shall have jurisdiction to exercise its powers for a minimum period of two years from the appointed date or till such period as is decided by mutual agreement between the successor States.

A plain and simple language is to be interpreted in the plain manner. A simple interpretation of the language used in section 74 would mean that in absence of any other

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(19)

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

agreement the said authority shall have jurisdiction for a period of two years. If the period is to be reduced or is to be extended further, then, in such a case a mutual agreement is required. Undisputedly, no mutual agreement has been arrived at between the successor States either to reduce the period or extend the period. In absence of ~~the~~ any mutual agreement reducing the period from two years to any shorter ~~further~~ period, it cannot be held that in absence of a mutual agreement the authority, shall have no jurisdiction over the matters arising from Chhattisgarh State.

I find no reason to interfere. The petitioner is free to approach the STAT Gwalior who shall be obliged to hear and decide the matter on merits. If the petitioner files an appeal/revision within a period of 10 days from today, the question of limitation shall not be allowed to be raised by anybody including the Tribunal. The Tribunal is forewarned that if it refuses to hear the cases arising from Chhattisgarh State under the pretext of misinterpretation of Section 74 of the M.P.Re-organisation Act, then, the said refusal on its part shall be deemed to be contempt of the lawful authority of this Court.

The petition is disposed of with the aforesaid direction. C.C. Today

पीछे देखिये

Sd/-
R.S. Garg
Judge